

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(1) Brett W. Gray,)
Plaintiff,)
vs.)
(1) Rafael Diaz-Ramirez and)
(2) Blits Med LLC, d/b/a Blits Med Trucking)
and Logistics, a California Corporation.)
Defendants.)

Case No. 22-cv-00218-GKF-JFJ
ATTORNEY LIEN CLAIMED
JURY TRIAL DEMANDED

COMPLAINT

COMES NOW the Plaintiff, Brett W. Gray by and through his attorneys, Stratton Taylor and Darrell W. Downs of Taylor, Foster, Mallett, Downs, Ramsey, and Russell, P.C. and William Higgins of Higgins and Easley, P.C. and for his cause of action against the Defendants, alleges and states the following:

I.

Jurisdiction and venue are proper in this case as the subject accident occurred in Rogers County, State of Oklahoma which falls within the Northern District of Oklahoma and there is complete diversity of citizenship between the parties with the amount in controversy being in excess of \$75,000.00 as required by 28 U.S.C. § 1332.

II.

Plaintiff is a resident and citizen of Rogers County, State of Oklahoma and was so at all relevant times of this lawsuit.

III.

On best information, knowledge and belief, Defendant Rafael Diaz-Ramirez is a resident

and citizen of Compton, California.

IV.

On best information, knowledge and belief, Defendant Blits Med LLC is doing business as Blits Med Trucking and Logistics (“Blits Trucking”) and is a trucking company located in Victorville, California and is a duly licensed California Corporation.

V.

On best information, knowledge and belief, Diaz-Ramirez at all relevant times herein has been an employee of Blits Trucking acting within the course and scope of his employment.

VI.

On or about December 14, 2021, Brett Gray was traveling in the eastbound lane of US Highway 412 near Inola, Rogers County, Oklahoma.

VII.

Defendant Diaz-Ramirez, while driving the Blits Trucking tractor semi-trailer, attempted to make an illegal left turn in the path of Brett Gray from County Road (S 4200 Road) to travel west on U.S. Highway 412 near Inola, Rogers County, Oklahoma.

VIII.

Defendant Diaz-Ramirez intentionally violated a truck left turn prohibition for mere convenience which led to Plaintiff Brett Gray unavoidably colliding with the Blits Trucking tractor semi-trailer.

IX.

The entrance to U.S. Highway 412 from County Road (S 4200 Road) is clearly marked with both a stop sign and visible truck no left turn signs. In addition, there is another sign on S. 4200 Road prohibiting truck traffic from turning left at the Highway 412 and 4200 County Road

intersection.

X.

The signs are clear and visible to all vehicle traffic as visualized here:



XI.

The stop sign and truck left turn prohibition signs are designed and intended to prevent the very type of accident which occurred in this case.

XII.

Defendant Diaz-Ramirez's failure to yield the right of way and intentional violation of the truck left turn prohibition from County Road (S 4200 Road) onto U.S. Highway 412 constitutes negligence per se.

XIII.

Defendant Diaz-Ramirez's intentional violation of the aforementioned truck left turn prohibition constitutes reckless conduct and gross negligence.

XIV.

Blits Trucking is vicariously liable for Defendant Diaz-Ramirez's reckless and grossly negligent actions.

XV.

Blits Trucking was additionally negligent in the hiring, training, and supervision of Defendant Diaz-Ramirez causing it to be independently liable for the Plaintiff's injuries in addition to its vicarious liability.

XVI.

Plaintiff Brett W. Gray was fault free in the cause of the accident.

XVII.

Plaintiff Brett W. Gray suffered damages as a direct result of the Defendant's negligence, including, but not limited to, pain and suffering, scarring, permanent injury, earning capacity impairment and medical expenses for both present and future medical services along with property damage.

WHEREFORE, premises considered, Plaintiff Brett W. Gray prays for judgment against the Defendants Rafael Diaz-Ramirez and Blits Trucking and Logistics in an amount in excess of \$75,000.00 exclusive of interest and costs for both compensatory and punitive damages along with an order for his attorney's fees, costs, interest and all such other further relief the court finds equitable and just.

Respectfully submitted,

**TAYLOR, FOSTER, MALLETT, DOWNS,
& RAMSEY & RUSSELL**

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